

Appl. No. 09/874,853
Docket No. 8552
Customer No. 27752

REMARKS

Claim Status

Presumably offending claims 45, 48, and 55 have been canceled via this Amendment. As such, claims 27, 37-41, and 43 are now the only pending claims in the present application.

Notice of Non-Complaint Amendment (37 CFR 1.121)

Applicant received a Notice of Non-Compliant Amendment dated 11/16/2007 ("Notice"). Specifically, the Notice states:

"The proposed amendment to the claims attempts modify [sic] the originally presented invention, which has received an action on the merits, into an independent or distinct invention which is part of a previously restricted group. Since the applicant received an action on the merits for the originally presented invention, the amendment, which is directed towards a non-elected invention, would result in the withdraw of all currently pending claims in the application."

Applicant respectfully notes that the Notice fails to identify which claims are purportedly directed to a non-elected invention. Applicant assumes that the offending claims are previously pending claims 45, 48, and 55. Basis for Applicant's assumption is directed to the Office Action dated 7/17/07 ("Action"), at page 2, paragraph 3 where the Action states, in the relevant part, that newly submitted claims 44-54 are directed to an invention that is independent or distinct from the invention originally claimed.

In summary, Applicant has canceled claims 44-54 and thus the currently pending claims are fully compliant.

Respectfully submitted,

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